

# Green found not guilty of attempted murder

Ex-cop was accused of shooting wife

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Staff Writer

A jury in Perquimans County Superior Court returned a verdict of not guilty in the first-degree attempted murder trial of James Green on Wednesday.

Green, 61, is an Albemarle Plantation resident and retired New York state

police officer, was accused of shooting his estranged wife, Cynthia Green, and her friend, Jack Waggoner on Jan. 4 at Waggoner's Holiday Island residence. The jury took an hour and 45 minutes to decide on the verdict.

Green has been married to Cynthia Green about five years, according to defense attorney Danny Glover Jr., who successfully tried the

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case with his partner, Keith Teague. She left him in 2003 and they were in the process of getting a divorce at the time of the shooting.

Green was charged with two counts of attempted first-degree murder and two counts of assault with a deadly weapon with intent to kill or commit serious injury. Green, who did not testify in his own defense, faced a minimum of 29 years in prison if convicted.

"That, to a 61-year-old man, is a life sentence," Glover said.

"Cynthia and Jack claimed Mr. Green jumped out from behind a truck and shot Jack in the back and shot her twice in the shoulder," Glover said. "That was about 8:30 at night.

In January, of course, it would have been pitch black. There were no headlights, no porch lights, no lights, black. And they claimed he was wearing a black jacket and black hood and only saw him for a few

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seconds, but both positively ID'd Green as the shooter."

Glover told the jury it would have been impossible for his client to shoot Waggoner and Green from the position they said he was in, in the manner they said they were shot. Additionally, Glover said, the wounds on Green and Waggoner were caused by two different kinds of bullets: one, a slug from either a .38- or .357-caliber revolver and the other a "wad cutter" or a bullet filled with pellets.

Glover said only a magic bullet would have substantiated Waggoner and Cynthia Green's testimony.

Seven-ounces of cocaine found near Waggoner's truck played an evidentiary role in the trial as well, Glover said. Apparently, its position on the ground, on top of some glass rather than under it, contradicted the time line given in testimony by Waggoner.

Perquimans County Sheriff Eric Tilley was one of the witnesses who testified during the trial.

"They didn't have life-threatening wounds," Tilley said. "Both ID'd him as the shooter and testified to that effect. It was all about whether or not the jury believed the state. There was no evidence from the defense as to whether he did or did not do it."

Tilley said he has no other suspects in the shooting and no plans to reopen the case.

Assistant District Attorney Michael Johnson could not be reached for this story.

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